

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 21, 2005**

Holiday

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 22, 2005**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O'Leary, Acting P. J., Aronson, J., and Ikola, J. O. Duarte, Deputy Clerk attending.

CIVIL SAILOR J. KENNEDY
No. v.
G032138 BERGER KAHN SHAFTON MOSS
 FIGLER SIMON & GLADSTONE et al.

Merits. Cause called. Federico Castelan Sayre argued for appellant. Howard L. Halm argued for respondents. Cause submitted.

CIVIL MARK BENFORD et al.
No. v.
G034108 THE REGENTS OF THE UNIVERSITY
 OF CALIFORNIA et al.

Merits. Cause called. Michael T. Aprahamian argued for appellants. Linda J. Smith argued for respondents. Cause submitted.

CIVIL STEWART GOLDSTEIN
No. v.
G033321 LARS HANSON et al.

Merits. Cause called. Henry J. Josefsberg argued for appellant. Ronald P. Kaplan argued for respondents. Cause submitted.

CIVIL MAMOOD NAMDAR
No. v.
G032726 ROBERT KOOP et al.

Merits. Cause called. John L. Dodd argued for appellant. David Leventhal argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 22, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., O'Leary, J., and Aronson, J. O. Duarte, Deputy Clerk attending.

CIVIL CORNESTONE DEVELOPMENT
No. GROUP, INC.
G033814 v.
 ANTHONY L. GRECO

Merits. Cause Called. Marina Manoukian argued for appellant. Daniel J. Payne argued for respondent. Cause submitted.

CIVIL NASSIM PARUK
No. v.
G033755 LAILA PARUK et al.

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Karen A. Rhyne argued for respondent Laila Paruk. Kara Read-Spangler argued for respondent Orange County Child Support Services. Cause submitted.

CIVIL IRON HORSE HOLDINGS INC. et al.
No. v.
G032813 GLOBALIST INTERNET
 TECHNOLOGIES, INC. et al.

Merits. Cause called. Jennifer A. FreindSmith argued for appellants Iron Horse Holdings Inc. et al. Scott E. Schutzman argued for appellant Albert R. Reda. Joseph P. Scully argued for respondents. Cause will be submitted on April 7, 2005.

CIVIL ALBERT R. REDA
No. v.
G033971 ERICKSEN, ARBUTHNOT,
 KILDUFF, DAY & LINDSTROM et al.

Merits. Cause called. Scott E. Schutzman argued for appellant. Earl H. Maas argued for respondent. Cause will be submitted on April 7, 2005.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 22, 2005 (Cont'd)**

CIVIL WEATHER SHIELD MFG, INC.
No. v.
G032301 KIRK CRAWFORD et al.

Merits. Cause called. Orly Degani argued for appellant and cross-respondent. Clayton M. Anderson argued for respondents and cross-appellants Kirk Crawford et al. Richard L. Kellner argued for respondents and cross-appellants Parviz Alai et al. Samuel M. Danskin argued for respondents Capital Pacific Holdings, Inc. et al. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 22, 2005 (Cont'd)**

CIVIL	CALIFORNIA ROOF SAVERS, INC.	Not for publication
No.	v.	
G032706	EMPLOYERS MUTUAL CASUALTY COMPANY	

Opinion filed. Judgment is affirmed in part and reversed in part.
Rylaarsdam, J.

We concur: Sills, P.J.
Bedsworth, J.

CRIM	THE PEOPLE
No.	v.
G032982	RAUL MAGALLON ARCEO

Order filed. Petition for rehearing is denied.
Moore, J.

We concur: Bedsworth, Acting P.J.
O'Leary, J.

CIVIL	THOMAS H. CASEY, as Trustee in Bankruptcy, Inc.
No.	v.
G033023	U.S. BANK NATIONAL ASSOCIATION, et al.

Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the matter is vacated to allow additional time for preparation of the court's opinion. Matter is resubmitted as of this date for the time permitted by law.

Aronson, Acting P. J.

We concur: Ikola, J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 22, 2005 (Cont'd)**

CIVIL	ANTONIO MEDINA PUERTA	Not for publication
No.	v.	
G033654	DAPHNE GOON	

Opinion filed. Judgment is affirmed.

Ikola, J.

We concur: Bedsworth, Acting P. J.
Aronson, J.

CIVIL	NAHLA YUSUF ABDO	Not for publication
No.	v.	
G033438	YUSUF AHMAD ABDO	

Opinion filed. Postjudgment order is affirmed and remanded for further proceedings.

Rylaarsdam, Acting P. J.

We concur: Bedsworth, J.
Fybel, J.

CIVIL	OLEN COMMERICAL REALTY CORP.	Certified for publication
No.	v.	
G033641	COUNTY OF ORANGE	

Order filed. On the court's own motion, our opinion filed January 27, 2005, will be certified for publication. It appears that our opinion meets the standards set forth in California Rules of Court, rule 976(b). Opinion is ordered published in the Official Reports.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 22, 2005 (Cont'd)**

CIVIL	LEE DOUGLAS WOOLEVER	Not for publication
No.	v.	
G033838	PENNY MAE WOOLEVER	

Opinion filed. Postjudgment order is reversed and remanded for rehearing with directions.

Fybel, J.

We concur: Bedsworth, Acting P.J.
Moore, J.

CIVIL	ORANGE COUNTY SOCIAL SERVICES	Not for publication
No.	v.	
G034180	KIMBERLY L. et al.,	

Opinion filed. Order affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Moore, J., and Fybel, J. A. Cajigal, Deputy Clerk attending.

CIVIL ORANGE COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES
No. v.
G034550 ORANGE COUNTY SUPERIOR COURT;
 CLIFFORD RICKETSON

Merits. Cause called. Mary Dahlberg, Deputy Attorney General argued for petitioner. Steven J. Brewer argued for real party in interest Clifford Ricketson. Cause submitted.

CIVIL KAREN PARK et al.
No. v.
G033468 DIANE QUINN

Merits. Cause called. Barry G. Coleman argued for appellant. Mark Goodfriend argued for respondents. Cause submitted.

CIVIL DAVID HAMEDANY
No. v.
G033810 GLENN DAVIS
G034728

Merits. Cause called. Maziar Mafi argued for appellant and petitioner. William E. Baker argued for respondent and real party in interest. Cause submitted.

CIVIL MARINA ARIAS
No. v.
G033761 KATELLA TOWNHOUSE HOMEOWNERS
 ASSOCIATION, INC.

Merits. Cause called. Arthur J. Travieso argued for cross-appellant and respondent. Robb M. Strom argued for appellant and cross-respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2005 (Cont'd)**

CIVIL ROBERT J. COHEN
No. v.
G033868 LOS ALAMITOS MEDICAL CENTER, INC. et al.

Merits. Cause called. Richard L. Spix argued for appellant. Michael F. Klein argued for respondent Health Net of California, Inc. Gene A. McKenzie, Jr. argued for respondent Los Alamitos Medical Center, Inc. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2005**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Bedsworth, J., and Moore, J. A. Cajigal, Deputy Clerk attending.

CIVIL FARMERS INSURANCE EXCHANGE
No. v.
G033924 RANGER COMMUNICATIONS INC.

Merits. Cause called. David B. Ezra appeared for appellant. Michael C. Olson appeared for respondent. Matter was settled by the parties on February 22, 2005. Matter taken off-calendar and the appeal is dismissed.

CIVIL JOHN E. FRANKHOUSE IND.
No. v.
G033765 ROTH CAPITAL PARTNERS

Merits. Cause called. Robert D. Feighner argued for appellant. Kenneth J. Catanzarite argued for respondent. Additional briefing is ordered. Supplemental letter briefs due March 4, 2005. Cause to be submitted on March 4, 2005.

CIVIL TMAD ENGINEERS, INC.
No. v.
G033537 ADACHE GROUP ARCHITECTS, INC.

Merits. Cause called. Timothy C. Aires argued for appellant. David A. Hoines argued for respondent. Cause submitted.

CIVIL JOSELYN MOSTAJO et al.
No. v.
G033640 & AEGIS SECURITY INSURANCE COMPANY et al.
G033944

Merits. Cause called. Laurence F. Padway argued for appellant Kara Ryan. Catherine L. Rivard argued for respondents Anchor General Insurance Co., et al. Gerald L. Kroll argued for respondents Jocelyn Mostajo et al. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2005 (Cont'd)**

CIVIL NICOLE VILLANUEVA
No. v.
G033739 CHRISTINA ESTRADA

Merits. Cause called. David N. Shaver argued for appellant. David Ryan argued for respondent. Cause submitted.

CIVIL JANE ROE
No. v.
G032628 MCDONALD'S CORPORATION et al.
G032661

Merits. Cause called. Jeffrey R. Gillette argued for appellant. Mary N. Abbott argued for respondent Lincoln Security Services, Inc. Derian Eidson argued for respondent McDonald's South Coast Plaza. Cause submitted.

CIVIL GREG NELSON
No. v.
G032281 EDWARD R. HARE

Merits. Cause called. Edward M. Picozzi argued for appellant and cross-respondent. Alan G. Tippie argued for respondent and cross-appellant. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2005 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032321 ERIN ROBERT DARLING

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than March 23, 2005, limited to the effect, of any, of United States v. Booker (2005) __U.S.__ [2005 Daily Journal D.A.R. 410], on this appeal. Respondent may file a response no later than April 6, 2005. Appellant may file a reply no later than April 13, 2005. The cause will be resubmitted thereafter.

Bedsworth, Acting P.J.

CRM THE PEOPLE
No. v.
G032439 STEVEN DANIEL MILLER

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than March 23, 2005, limited to the effect, if any, of United States v. Booker (2005) __U.S.__ [2005 Dailey Journal D.A.R. 401], on this appeal. Respondent may file a response no later than April 6, 2005. Appellant may file a reply no later than April 13, 2005. The cause will be resubmitted thereafter.

Sills, P.J.

CIVIL RICHARD NORQUIST
No. v.
G032557 MICHAEL SMITH

Not for publication

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
 Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 23, 2005 (Cont'd)**

CIVIL
No.
G034454

ORANGE COUNTY SOCIAL
SERVICES AGENCY
v.
NAKIA A.

Certified for publication

Opinion filed. Order affirmed.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 24, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL COUNTY OF ORANGE
No. v.
G034084 SHANNON ORDAZ

Merits. Cause called. Randall K. Rupp argued for appellant. Linda M. Gonzalez, Deputy Attorney General made no appearance for respondent and submitted on the brief. Cause submitted.

CIVIL ALLSTATE HOME LOANS et al.
No. v.
G034320 ALBA VASQUEZ

Merits. Cause called. Ross E. Shanberg argued for appellants. Joseph A. Ferrucci argued for respondent. Cause submitted.

CIVIL CHRISTINA GOGLANIAN
No. v.
G034117 ALLSTATE HOME LOANS INC. et al.

Merits. Cause called. Ross E. Shanberg argues for appellants. Joseph A. Ferrucci argued for respondent. Cause submitted.

CIVIL BARBARA ST. JOHN
No. v.
G033753 SHIRLEY M. SPRINGMEIER et al.

Merits. Cause called. Carl E. Lovell, Jr., argued for appellant. Brian M. Daucher argued for respondent Wells Fargo Bank, N.A. Dale A. Kiken argued for respondent Shirley M. Springmeier. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 24, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL RICHARD LODOLCE
No. v.
G034065 POLYCLAD LAMINATES INC. et al.

Merits. Cause called. Stanley Lieber argued for appellant. Keith A. Jacoby argued for respondents. Cause submitted.

CIVIL JAMES C. SUNDU et al.
No. v.
G032652 ROTHSTEIN, KASS & COMPANY, INC.

Merits. Cause called. Kenneth J. Catanzarite argued for appellants. Joel M. Wolosky argued for respondent. Cause submitted.

CIVIL EDITH L. SPLAIN
No. v.
G033278 BARBARA T. HOGARD, as Trustee
G033720

Merits. Cause called. Robert M. Dato argued for appellant. Marjorie G. Fuller argued for respondent. Parties to advise the court if they are considering having a settlement conference. Cause submitted.

CIVIL BARBARA T. HOGARD, as Trustee, etc.
No. v.
G034565 ORANGE COUNTY SUPERIOR COURT;
G034731 EDITH L. SPLAIN

Merits. Cause called. Robert M. Dato argued for petitioner. Marjorie G. Fuller argued for real party in interest. Parties to advise the court if they are considering having a settlement conference. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 24, 2005 (Cont'd)**

CRIM No. G031641	In re BRYAN WAGNER on Habeas Corpus	Certified for publication
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Opinion filed. Petition granted.

Rylaarsdam, Acting P.J.

We concur: Moore, J.
Fybel, J.

CRIM No. G031916	THE PEOPLE v. ADRIANA VASCO
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Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated and the cause resubmitted as of this date for the time permitted by law. The reason submission is vacated is to allow additional time for the preparation of the court's opinion. (Cal. Rules of Court, rule 23(e)(1).)

Bedsworth, Acting P.J.

We concur: O'Leary, J.
Aronson, J.

CIVIL No. G033077	LUSK CONSTRUCTION COMPANY et al. v. GALAXIE PLASTERING, INC.	Not for publication
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Opinion filed. Judgment affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 24, 2005 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033141	DOUGLAS RICHARD WYNN	

Opinion filed. Judgment affirmed in part and reversed in part.
Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.
Fybel, J.

CIVIL	ALFRED J. LANG	
No.	v.	
G033860	REGENTS OF THE UNIVERSITY OF CALIFORNIA	

Order filed. Appellant's motion to file late reply brief and to vacate submission of cause is GRANTED. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is hereby vacated to allow additional briefing. The clerk of this court is directed to forthwith file the appellant's reply brief submitted on February 23, 2005. This matter is resubmitted as of this date.

Sills, P.J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G034050	RAYMOND M. SOUTHCOTE	

Opinion filed. Judgment affirmed.

Sills, P.J.

We concur: O'Leary, J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., O'Leary, J., Moore, J., Aronson, J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CRIM	THE PEOPLE
No.	v.
G032368	ALEJANDRO GARCIA et al.

Merits. Cause called. Manuel Lopez argued for appellant Alejandro Garcia. Amanda Benedict argued for appellant Gregory M. Harris. Lise Jacobson, Deputy Attorney General argued for respondent. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G033028	MARTIN C. BRIKEN

Merits. Cause called. Jennifer A. Gambale argued for appellant. Lynne McGinnis, Deputy Attorney General argued for respondent. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G033546	PEDRO O. ROSALES

Merits. Cause called. Harry Zimmerman argued for appellant. Arlene Sevidal, Deputy Attorney General argued for respondent. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G033409	CHARLES D. WATSON

Merits. Cause called. Sally P. Brajevich argued for appellant. Garry Haehnle, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2005 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032347 TROY McMAHON

Merits. Cause called. Steven Schorr argued for appellant. Lilia Garcia, Deputy Attorney General argued for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G033152 CARLOS CERON et al.

Merits. Cause called. Lynda A. Romero argued for appellant Palmira Galache. Leslie Conrad argued for appellant Carlos Ceron. Warren Robinson, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL ANN M. BIELICKI et al.
No. v.
G033881 MONEX DEPOSIT COMPANY et al.

Merits. Cause called. Kevin J. McNerney argued for appellants. Todd Gordinier argued for respondents. Cause submitted.

CIVIL COUNTY OF ORANGE
No. v.
G033776 RANGER INSURANCE COMPANY

Merits. Cause called. E. Alan Nunez argued for appellant. Leon J. Page, Deputy County Counsel argued for respondent. Cause submitted.

CIVIL LOU M. MORALES
No. v.
G033826 D & S ENGINEERING/PIPELINE, INC.

Merits. Cause called. Brian C. Nutt argued for appellant. Everett Henchcliffe argued for respondent. Cause submitted.

CIVIL ARIEH COHEN
No. v.
G034139 ANNA COHEN

Merits. Cause called. Appellant Arie Cohen argued on his own behalf. Laura E. Johnson argued for respondent. Respondent to file a certified minute order with this court by March 4, 2005. Cause to be submitted on March 4, 2005.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2005 (Cont'd)**

CRIM No. G032028	THE PEOPLE v. CHAE JUNG HAN	Not for publication
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Order filed modifying opinion and denying petition for rehearing; no change in judgment.

Sills, P.J.

We concur: Fybel, J.
 Ikola, J.

CIVIL No. G032915	ALFRED SKISTIMAS v. OLD WORLD OWNERS ASSOCIATION et al.	Not for publication
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Opinion filed. Judgment affirmed in part and reversed and remanded in part.

Sills, P.J.

We concur: O’Leary, J.
 Moore, J.

CIVIL No. G033015	JOSHUA VITTERS v. PACIFICARE OF CALIFORNIA, et al.
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Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated to allow additional time to prepare an opinion. The matter is resubmitted as of this date for the period allowed by law.

Sills, P.J.

We concur: O’Leary, J.
 Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
February 25, 2005 (Cont'd)**

CRIM No. G033019	THE PEOPLE v. RAFAEL TORRES	Not for publication
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Bedsworth, Acting P.J.
O'Leary, J.

CRIM No. G033383	THE PEOPLE v. CHARLES DANIEL STODDART	Not for publication
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Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
Aronson, J.

CIVIL No. G034207	PETER ANDREW VAN DINTER v. THE SUPERIOR COURT OF ORANGE COUNTY; CITY OF FOUNTAIN VALLEY	Not for publication
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Opinion filed. Petition granted.

Aronson, Acting P.J.

We concur: Fybel, J.
Ikola, J.

CIVIL No. G034300	ORANGE COUNTY SOCIAL SERVICES AGENCY v. RAUL V.	Not for publication
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Opinion filed. Judgment affirmed.

Ikola, J.

We concur: Sills, P.J.
Aronson, J.